

REMARKS

Claims 11-30 are presently in the application. Claims 12, 14, 18, 19, 20, 22, 24, and 25 have been canceled. Claim 30 has been withdrawn. New claims 31 -34 have been added. The above amendments are being made to place the application in better condition for examination.

Reconsideration of the rejection of claims 27-29 under 35 USC 112, second paragraph is respectfully requested. The examiner has pointed out that the claims contain a broad range or limitation with a narrow range or limitation within the broad range or limitation in the same claim. The claims have been amended to more particularly point out and distinctly claim the subject matter of the invention.

Reconsideration of the rejection of claims 11, 17, 21, 23, & 26 under 35 USC 102(b) as being anticipated by US Patent No. 4,596,941 to Kluck is respectfully requested.

Claim 11 is directed to an electrical machine, comprising
a housing for the machine, the housing including a housing body (2) and a housing cap (3),

a brush holder (5) disposed in the housing for holding brushes (6), and
an elastic region (4; 11) in housing cap (3) which enables positioning of the brush holder (5) relative to a commutator (7) from outside the housing, wherein the elastic region (4) is an elastomer element disposed in and secured in the housing cap (3), and wherein a seal is achieved between the elastomer element and the housing cap (3).

Claim 17 is directed to an electrical machine, comprising
a housing for the machine, the housing including a housing body (2) and a housing cap (3),
a brush holder (5) disposed in the housing for holding brushes (6), and
an elastic region (4; 11) in the housing body (2) or the housing cap (3) which enables positioning of the brush holder (5) relative to a commutator (7) from outside the housing, wherein the elastic region (11) is formed integrally with the housing body (2) and/or with the

housing cap (3), and wherein the elastic region (11) is formed by an annular wavelike structure.

Kluck fails to show the arrangement of an elastic region in the housing cap embodied as *an elastomer element secured to the housing cap*, as an independent element secured in the housing cap, and also fails to show *a seal between the elastomer element and the housing cap* as required by claim 11. Kluck instead teaches a housing cap being a single integral element and a trough 50 which is merely an indentation from force P. The invention as set forth in claim 17 is preferably an *annular wavelike structure 11* which surrounds and encircles the portion 12 where the force F is applied. Kluck clearly lacks and has no suggestion of an elastomer element disposed separately, as all embodiments teach the end shield as one integral piece.

To support a rejection of a claim under 35 U.S.C. § 102(b), it must be shown that each element of the claim is found, either expressly described or under principles of inherency, in a single prior art reference. See Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 772, 218 USPQ 781, 789 (Fed. Cir. 1983), cert. denied, 465 U.S. 1026 (1984).

Kluck does not show or suggest the elastomer element disposed in and secured in the housing cap, or a seal between the elastomer element and the housing cap as set forth in claim 11. Kluck does not show or suggest an elastic region formed by and annular wavelike structure as set forth in claim 17. Therefore, claims 11 and 17 and dependent claims 21, 23, and 26 are not anticipated by Kluck.

Reconsideration of the rejection of claims 13, 15, 16 & 25 under 35 USC 103(a) as being unpatentable over Kluck is respectfully requested.

Kluck lacks the elastic region being an elastomer element. The housing cap 10 of Kluck is integrally formed as a single element, whereas with respect to claims 13, 15, and 16 in the invention (embodied in Figs. 1 and 2) the elastic region is a separate element, namely, an elastomer element secured in the housing body or housing cap. Kluck does not teach or suggest a separate elastomer element secured in the housing cap, especially as the housing cap of Kluck is a single integral element as discussed above. Kluck does not teach or suggest an elastomer element cylindrical in shape or having a fastening slot in an outer circumference of

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the cylindrical shape, or elastomer diaphragm as recited by the claims. Therefore, withdrawal of the rejection of claims 13, 15, and 16 is respectfully requested.

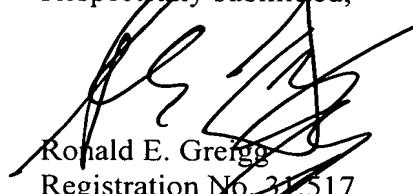
Reconsideration of the rejection of claims 27-29 under 35 USC 103(a) as being unpatentable over US Pub. No. 2002/0175573 to Hayashi in view of Kluck is respectfully requested.

Hayashi is relied upon for showing a windshield wiper motor for use in a vehicle. The examiner combines Kluck as applied above with Hayashi to satisfy the requirements of the claims. However, the rejection is moot, as Kluck lacks the elements of the invention as newly claimed, discussed above.

New claims 31- 34 are directed to the details of the brush holder 5 and the seal 9, and are dependent from claims 11 and 17. As it appears that claims 11 and 17 are distinguished over the references, allowance of new claims 31-34 is respectfully requested.

Entry of the amendment is respectfully solicited.

Respectfully submitted,



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